

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

KENNETH CADE ET AL.,

vs.

UNION PACIFIC RAILROAD  
CO., ET AL.

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CASE NO. 2:07-CV-133

**MEMORANDUM ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of Union Pacific Corporation's motion (#6) to dismiss, has been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the findings and conclusions of this court. Accordingly, the court dismisses Union Pacific Corporation from this action without prejudice.

**SIGNED this 5th day of March, 2008.**



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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE